



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

June 28, 1996

Mr. Gary W. Smith  
City Attorney  
City of Greenville  
P.O. Box 1049  
Greenville, Texas 75403-1049

OR96-1054

Dear Mr. Smith:

You have asked if certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 39874.

The Greenville Police Department ("the department") received a request for information concerning a disorderly conduct incident involving juveniles. You state that "charges have been filed" and one or more cases are pending in municipal court. The requestor is a parent of one of the juveniles charged with disorderly conduct. You contend the information at issue is excepted from disclosure pursuant to sections 552.101 and 552.108 of the Government Code.

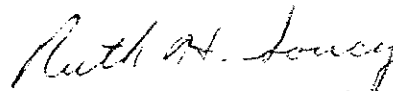
Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." You contend that the requested information is made confidential pursuant to section 58.007 of the Family Code. This office recently issued Open Records Decision No. 644 (1996) (enclosed), which concludes that "[s]ection 58.007 of the Family Code does not make confidential juvenile law enforcement records concerning conduct occurring on or after January 1, 1996, that are maintained by law enforcement agencies." As the conduct in this situation occurred after January 1, 1996, and the records at issue are held by a law enforcement agency, the information at issue is not made confidential under section 58.007.

You have also asserted that the requested information is excepted from disclosure pursuant to section 552.108. Section 552.108 excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime," and "[a]n internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to

law enforcement or prosecution.” Gov’t Code § 552.108; *see Holmes v. Morales*, No. 95-1251, 1996 WL 325601 (Tex. June 14, 1996). We note, however, that information normally found on the front page of an offense report is generally considered public. *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref’d n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976). Thus, you must release the type of information that is considered to be front page offense report information, even if this information is not actually located on the front page of the offense report. We have enclosed a summary of the type of information that is generally public and must be released. Section 552.108 provides that you may withhold the remaining information from disclosure, although you may choose to release all or part of the information at issue that is not otherwise confidential by law. Gov’t Code § 552.007.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Ruth H. Soucy *by Rep*  
Assistant Attorney General  
Open Records Division

RHS/ch

Ref.: ID# 39874

Enclosures: Submitted documents  
Open Records Decision No. 644 (1996)  
Summary of Open Records Decision No. 127

cc: Ms. Roseland R. Garner  
1600 N. Joe Ramsey #D119  
Greenville, Texas 75401  
(w/o submitted documents; w/ORD 644 and summary)